

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, Individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC. F/K/A,
BIOPTIX, INC., JOHN O'ROURKE,
JEFFREY G. MCGONEGAL, BARRY
HONIG, CATHERINE
DEFRANCESCO, MICHAEL
BEEGHLEY, JOHN STETSON, MARK
GROSSMAN, ANDREW KAPLAN,
MIKE DAI, JASON LES, and ERIC SO,

Defendants.

Civil No. 3:18-CV-02293(FLW)(TJB)

MOTION DATE: November 4, 2019

ORAL ARGUMENT REQUESTED

**NOTICE OF DEFENDANTS' MOTION TO STRIKE IMPROPER
ALLEGATIONS AND IMAGES FROM THE CORRECTED
CONSOLIDATED AMENDED CLASS ACTION COMPLAINT FOR THE
VIOLATION OF THE FEDERAL SECURITIES LAWS**

THOMAS A. ZACCARO
thomaszaccaro@paulhastings.com
D. SCOTT CARLTON
scottcarlton@paulhastings.com
PAUL HASTINGS LLP
515 South Flower Street, 25th Floor
Los Angeles, California 90071-2228
Telephone: 1(213) 683-6000
Facsimile: 1(213) 627-0705

CHAD J. PETERMAN
chadpeterman@paulhastings.com
PAUL HASTINGS LLP
200 Park Avenue
New York, NY 10166
Telephone: 1(212) 318-6000
Facsimile: 1(212) 319-4090

Attorneys for Defendants

*RIOT BLOCKCHAIN, INC., JOHN O'ROURKE, MICHAEL BEEGHLEY,
JEFFREY G. MCGONEGAL, ANDREW KAPLAN, JASON LES, AND ERIC SO*

PLEASE TAKE NOTICE that on November 4, 2019, or at such other date as may be set by the Court, Defendants Riot Blockchain, Inc., John O'Rourke, Jeffrey G. McGonegal, Michael Beeghley, Andrew Kaplan, Jason Les, and Eric So, by and through their undersigned attorneys, will move the Honorable Freda L. Wolfson, United States District Judge, Clarkson S. Fisher Building & Courthouse, 402 East State Street Room 2020, Trenton, NJ 08608, for an Order pursuant to Rules 12(f) and 10(c) of the Federal Rules of Civil Procedure, striking the following improper allegations and photographs in Lead Plaintiff Dr. Stanley Golovac's Correct Consolidated Amended Class Action Complaint (Dkt. No. 73) in the above-captioned matter:

1. The image in paragraph 176;
2. The image in paragraph 187;
3. The image in paragraph 195;
4. The image in paragraph 275;
5. The image in paragraph 283;
6. The image in paragraph 332;
7. Paragraph 389, including the image embedded and footnote 50 referenced therein;
8. Paragraph 390, including the image embedded therein;
9. Paragraph 391; and

10. Paragraph 392.

PLEASE TAKE FURTHER NOTICE that the undersigned shall rely on this Notice of Motion, the accompanying Memorandum of Law, and on such other written and oral argument as may be presented to the Court as well as all pleadings and proceedings had to date herein.

PLEASE TAKE FURTHER NOTICE that a proposed Order is submitted herewith.

DATED: September 3, 2019

PAUL HASTINGS LLP

By: /s/ Chad J. Peterman

CHAD J. PETERMAN

chadpeterman@paulhastings.com

200 Park Avenue

New York, NY 10166

Telephone: 1(212) 318-6000

Facsimile: 1(212) 319-4090

THOMAS A. ZACCARO

thomaszaccaro@paulhastings.com

D. SCOTT CARLTON

scottcarlton@paulhastings.com

515 South Flower Street

Twenty-Fifth Floor

Los Angeles, CA 90071

Telephone: 1(213) 683-6000

Facsimile: 1(213) 627-0705

Attorneys for Defendants

RIOT BLOCKCHAIN, INC., JOHN

O'ROURKE, MICHAEL BEEGHLEY,

JEFFREY G. MCGONEGAL, ANDREW

KAPLAN, JASON LES, AND ERIC SO